

NOV 28 2003

RCE/11606



PTO/SB/30 (09-03)

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Request for Continued Examination (RCE) Transmittal

Address to:
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/140,886
Filing Date	August 26, 1998
First Named Inventor	Herbert M. WILSON
Art Unit	1638
Examiner Name	D. Fox
Attorney Docket Number	N1205-003

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This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on _____

ii. ☐ Other _____

b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

iv. ☐ Other _____

2. Miscellaneous

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☒ Other 4 month extension of time

3. Fees

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to

a. ☒ Deposit Account No. 50-2368

i. ☐ RCE fee required under 37 CFR 1.17(e) | 12/02/2003 SZEWDIE1 00000021 09140886

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17) | 01 FC:1801 770.00 OP

iii. ☒ Other Any deficiency or over payment

b. ☒ Check in the amount of \$ 2,250.00 enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Robert J. Jondle	Registration No. (Attorney/Agent)	33915
Signature		Date	November 25 2003

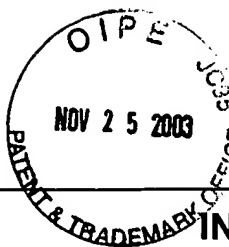
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Name (Print/Type)	Robert J. Jondle	Date	November 25 2003
Signature			

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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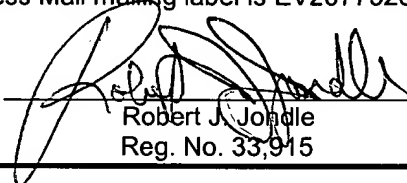
**IN THE
UNITED STATES
PATENT AND TRADEMARK
OFFICE**

<i>Application Number</i>	09/140,886
<i>Filing Date</i>	August 26, 1998
<i>First Named Inventor</i>	Martin M. Wilson
<i>Group Art Unit</i>	1638
<i>Examiner Name</i>	D. Fox
<i>Attorney Docket Number</i>	N1205-003

Title of the Invention: **TRANSGENIC PLANTS**

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail (post office to addressee) in an envelope addressed to: Mail Stop RCE; Commissioner of Patents, P O Box 1450, Alexandria VA 22313-1450 on this 25th day of November 2003. The number of the Express Mail mailing label is EV207752800US.


Robert J. Jondle
Reg. No. 33,915

AMENDMENT

Commissioner of Patents
P O Box 1450
Alexandria VA 22313-1450

Sir:

In response to the Final Office Action mailed November 27, 2002, please consider the following remarks.

REMARKS

Claims 1-22 are rejected under 35 U.S.C. §112, first paragraph. As discussed in the previous Amendment, Applicant again submits the words "uncharacterized DNA" as used in the specification and claims has a standard recognized meaning by skilled artisans. A skilled artisan knows characterized DNA means the exact nucleotide sequence is known whereas uncharacterized DNA means the nucleotide sequence has not been characterized or sequenced. Applicants have sufficiently described the method of the present invention and are clearly in possession of the claimed invention.